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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SARAH BARRAS,

Plaintiff,

vs.

**FAL FOODS USA INC, a corporation;
FAL FOOD & BEVERAGES, LLC, a
corporation; NOBLETREE COFFEE
SALT LAKE CITY, LLC, a
corporation; NOBLETREE COFFEE
ROASTERS, LLC, a corporation; and
FAL COFFEE, INC.;**

Defendants.

**PLAINTIFF'S RESPONSE TO
ORDER TO SHOW CAUSE**

Case No. 2:20-CV-00491-JCB

Magistrate Judge Jared C. Bennett

Plaintiff Sarah Barras hereby responds to the court's Order to Show Cause, dated February 18, 2021, regarding the status of her efforts to serve FAL Coffee, Inc. ("FAL Coffee") and her intentions with respect to that entity.

First, the court should be aware that the parties are scheduled to mediate Ms. Barras' claims on March 10, 2021, and are hopeful that they can come to a resolution of her claims against all the entities.

Second, Ms. Barras has made every effort to serve FAL Coffee, Inc., to the extent the entity actually exists, which is not yet clear. Specifically, on April 22, 2020, counsel for the other defendants, Victoria Finlinson, stated FAL Coffee was the parent company of Nobletree SLC, and on April 23, 2020, she indicated her firm represented FAL Coffee. Ex. 1. On April 29, 2020, however, after Ms. Barras sent her service documents regarding FAL Coffee, Ms. Finlinson stated that they did not represent FAL Coffee. Ex. 2.

Ms. Barras then tried to serve the entity through regular process, but the entity was difficult to find, to say the least. Its website states that FAL Coffee is “headquartered in Brooklyn, NY.” Ex. 3. The New York Department of State’s website indicates that the address for service of process is a California address for Paracorp Incorporated. Ex. 4. (The New York website also indicates FAL Coffee is a Delaware corporation, but Delaware’s Division of Corporations website has no information about an address for the entity. Ex. 5.) On May 26, 2020, a process server Ms. Barras hired attempted to serve the company through Paracorp in California, but “Paracorp refused service because they do not represent Fal coffee.” Ex. 6. Meanwhile, Ms. Barras was able to effect service on Nobletree Coffee Roasters, LLC in Delaware. Ex. 7. That entity’s website indicates it is the same as Nobletree Coffee (which Ms. Finlinson’s emails indicated is not an actual entity, as its name never changed from FAL Coffee), and that it is headquartered in Brooklyn, New York. Ex. 8. New York’s Division of Corporations currently does not list a Nobletree Coffee, but does list Nobletree Coffee Roasters, LLC, although it does not appear to have been listed under that name until June 2020, and was formerly under the name FAL Coffee Roasters, LLC. Ex. 9.

All this to say, FAL Coffee should not be dismissed for failure to prosecute. Ms. Barras believes all of these entities are related, and to the extent that FAL Coffee is a separate entity,

because of its interrelatedness to the other entities, it is certainly on notice of this lawsuit. If the mediation next week is not successful, Ms. Barras intends to conduct discovery as to the existence of FAL Coffee and its relationship to the other entities that have been served.

Dated this 4th day of March, 2020

HOLLINGSWORTH LAW OFFICE, LLC

/s/ April L. Hollingsworth

April L. Hollingsworth
Katie Panzer
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March, 2021, a copy of the foregoing
PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE was filed through the court's
ecf filing system and served via electronic mail to the following:

Timothy R. Pack
Torie B. Finlinson
CLYDE SNOW & SESSIONS
201 South Main Street, Suite 1300
Salt Lake City, Utah 84111

/s/ April L. Hollingsworth